

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JERRY LEE LEWIS,)
vs.)
Plaintiff,)) Case No. 14-CV-1086-SMY-PMF
DARLENE BLUDWORTH, et al.,)
vs.)
Defendants.)

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Philip M. Frazier recommending dismissal of Plaintiff Jerry Lee Lewis's civil rights action for failing to pay the initial partial filing fee. For the reasons stated below, the Court **ADOPTS** the Report and Recommendation of Judge Frazier and dismisses this case without prejudice.

Where timely objections are filed, this Court must undertake a *de novo* review of the Report and Recommendation. 28 U.S.C. § 636(b)(1)(B), (C); FED. R. CIV. P. 72(b); SDIL-LR 73.1(b); *Harper v. City of Chicago Heights*, 824 F. Supp. 786, 788 (N.D. Ill. 1993); *see also Govas v. Chalmers*, 965 F.2d 298, 301 (7th Cir. 1992). Where neither timely nor specific objections to the Report and Recommendation are made, however, this Court need not conduct a *de novo* review of the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court should review the Report and Recommendation for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). A judge may then "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28

U.S.C. § 636(b)(1).

Here, Plaintiff filed this action on October 6, 2014. After being granted pauper status, his initial partial filing fee was assessed at \$2.54. To date, despite ample opportunity, Plaintiff has failed to pay the fee or to explain to the Court why payment has not been made. On November 23, 2015, Judge Frazier entered the Report and Recommendation currently before the Court, recommending that this matter be dismissed for failure to timely pay the initial partial filing fee. Objections to the Report and Recommendation were due on December 10, 2015. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b)(2); SDIL-LR 73.1(b). However, Plaintiff did not file an objection by the deadline. The Court has carefully reviewed Judge Frazier's Report and Recommendation and agrees with his conclusion that Plaintiff's case should be dismissed for failure to pay the initial partial filing fee.

For the foregoing reasons, the Court **ADOPTS** Judge Frazier's Report and Recommendation (Doc. 42). This action is **DISMISSED without prejudice**.

IT IS SO ORDERED.

DATED: January 11, 2016

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge